

Dear Jim,

9/8/84

Your 9/6 memo on the exempt CIA permanently bill in many ways is quite good. It represents an enormous amount of work that, even if it has no influence on the outcome, still is quite worthwhile. We do care about history and what can be known in the future.

I have a general and two specific criticisms I hope you will think about not for this bill but for your own future because you inhibit yourself and what you can accomplish.

In general, you are, as you usually have been in court, defensive and in such circumstances, as history in general and ours in particular should have gotten through to you, is self-defeating. An academic approach is not what this outrage requires. Nor an academician's tone.

You should have made much more of the CIA's stonewalling, and in terms of its costs and flagrant contempt of clear and expressed Congressional intent.

There are two major omissions, and I wrote you about one and mentioned it to you when we spoke. If I did not make specific reference to the second, and I do not now recall, I have mentioned in it so much litigation I'd have hoped you'd remember it. The first is the menace to the country and to individual citizens this proposal means and the second is the value of disclosed information to the proper, better and more efficient- and less unconstitutional and illegal - operation of the CIA.

This bill assures police-state condition when bracketed with the ~~XXXXX~~ Reagan administration's assignment of domestic intelligence functions to the CIA. The bill assures that any and all its improprieties will forever remain secret, and with that all expectable means of correcting and eliminating what we hitherto expected of the KGB and Gestapo only.

FOIA has led to an enormous amount of public good and has enabled elimination of wrongful and evil practices.

The CIA and other agencies resist exposure because they want to do what is wrong. Now the CIA will not have any fear of disclosure.

Regardless of what you and the ACLU and others may think of the present Congress or conjecture about the one that is coming, a good many are and will be concerned about the combination of Reagan and his outlaws in fine suits and the CIA as they have known it. You should have addressed such concerns. These concerns are not limited to liberals, in or out of Congress.

I also believe that some of the ultras who are willing for there to be abuses of liberals and opponents of the Reagan administration may have had second thoughts if they visualized this combination of exemptions and powers controlled by liberals. Or just Democrats anxious to score points on Republicans.

If there is further postponement and opportunity for additional expression, and if you do anything, I urge you to make it political rather than academic. It is a political matter, to be decided by politicians who are more readily reached with political approaches.

I'm sure you'll get a good reaction from many who receive this, and it deserves a good reaction. But given the existing odds, I fear it is the wrong approach.

P.S. For personal contacts, PLEASE keep what I say in mind and give shocking illustrations that are at hand. Sacre 'em! They SHOULD be scared.

Good luck!